

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

**OBJECTIONS OF CREDITORS DWAYNE PROVIENCE,
RICHARD MACK, AND GERALD AND ALECIA WILCOX,
INTERESTED PARTIES, TO FOURTH AMENDED PLAN FOR
THE ADJUSTMENT OF DEBTS OF THE CITY OF DETROIT
AND CERTIFICATE OF SERVICE**

NOW COME DWAYNE PROVIENCE, RICHARD MACK, AND GERALD and ALECIA WILCOX, interested parties and object to the “*Fourth Amended Plan for the Adjustment of Debts of the City of Detroit (May 5, 2014)*.” [Dkt. #4392] In support of these objections, the interested parties state the following:

1. On April 22, 2014 these Petitioners filed their Objections, [Dkt. #4224] to the earlier *Plan for Adjustment of Debts of the City of Detroit* (March 31, 2014) [Dkt. #3380] and incorporate by reference their objections stated therein.

2. The Debtor’s May 5, 2014, *Fourth Amended Plan of Adjustment*, specifically, Paragraph 198, proposes, once again, that § 1983 claims “are included within the definition of Other Unsecured Claims.” [Dkt. #4392, Paragraph 198]

3. Debtor’s *Amended Plan* runs counter to the purpose and intent of the 14th Amendment § 1983, as explained by the Supreme Court. See *Felder v Casey*, 487 U.S. 131, 148 (1988) (recognizing that civil rights actions “belong in court”) (quoting *Burnett v Grattan*, 468 U.S. 42, 50, (1984)).

4. The Debtor's *Amended Plan of Adjustment*, [Dkt. #4392], diminishes Petitioners' rights to full vindication of the egregious violations of their constitutional rights, including full compensation for their damages, as well their right to recover attorney fees and punitive damages. The Debtor's *Amended Plan* is unconstitutional to the extent that it diminishes, in any fashion, the Petitioners' constitutional rights, as well those of other petitioners who have claims arising from violations of their constitutional rights currently pending against the City of Detroit.

WHEREFORE, for the reasons stated above, these Petitioners request the same relief sought in their earlier Objections [Dkt. 4224] for precisely the same reasons and authority cited therein, but as to the *Fourth Amended Plan of Adjustment* [Dkt. 4392], in particular, Paragraph 198 thereof.

Respectfully submitted,

OLSMAN, MUELLER, WALLACE
& MacKENZIE, P.C.

/s/Wolfgang Mueller

WOLFGANG MUELLER

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Date: May 12, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2014, I served the following Paper:

Objections of Creditors Dwayne Provience, Richard Mack, and Gerald
and Alecia Wilcox, Interested Parties, to Fourth Amended Plan for the
Adjustment of Debts of the City of Detroit

on the following parties:

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by the following means: the Court's ECF system.

Respectfully submitted,

/s/Wolfgang Mueller
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